

FILED

2005 DEC 23 A 8: 58

CLERK, US DIST. COURT
EASTERN DIST. OF CALIF
AT FRESNO

BY: _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

UNITED STATES OF AMERICA,)	No. CR. F. 02-05103 AWI
Plaintiff,)	
v.)	
EUDELIO ALVARADO, JR.,)	
Defendant.)	
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UNITED STATES OF AMERICA,)	No. CR. F. 98-5118 AWI
Plaintiff,)	
v.)	
EUDELIO ALVARADO, JR.,)	
Defendant.)	
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**STIPULATION AND [Proposed] ORDER
CONTINUING RESENTENCING HEARING DATE
FOLLOWING BOOKER/AMELINE REMAND**

WHEREAS following the Court's earlier sentencing of Defendant Eudelio Alvarado in case no. CR. F. 02-05103 AWI, the Ninth Circuit remanded the case to this Court for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc), which matter was set for status hearing before this Court on December 19, 2005; and

WHEREAS the parties have begun discussing this matter, along with related case no. CR. F. 98-5118 AWI, to determine whether a joint recommendation as to the resolution of these matters may be

1 achieved, but the parties have been unable to arrive at such a joint recommendation by the current
2 December 19, 2005 hearing date; and

3 WHEREAS due to the above, the parties notified the Court prior to the December 19 hearing
4 date that they would be unable to arrive at such a joint recommendation and that they therefore were
5 requesting that both matters be continued until January 23, 2006, with this written stipulation and
6 proposed order to follow; and

7 WHEREAS AUSA Jonathan Conklin has authorized defense counsel Mark Vermeulen to
8 prepare and submit this stipulation and order jointly on Mr. Conklin's and Mr. Vermeulen's behalf;
9 therefore

10 **STIPULATION**

11 IT IS HEREBY STIPULATED that the current hearing date of December 19, 2005 may be
12 vacated and continued to January 23, 2006 at 9:00 a.m., and both matters under the above-referenced
13 case numbers may be set for that date and time.

14 IT IS SO STIPULATED.

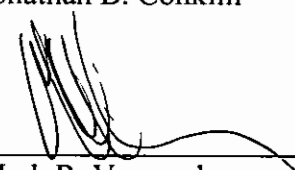
15 Dated: December 19, 2005

16 McGregor W. Scott
17 United States Attorney
18 Jonathan B. Conklin
19 Assistant United States Attorney
20 Attorneys for Plaintiff

21 By:  Fol

22 Jonathan B. Conklin

23 Dated: December 19, 2005

24 
25 Mark R. Vermeulen
26 Attorney for Defendant
27 Eudelio Alvarado, Jr.

28 ///

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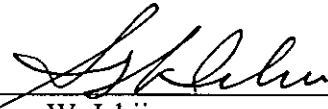
ORDER

Based on the foregoing stipulation, and good cause appearing,

IT IS HEREBY ORDERED that the current hearing date of December 19, 2005 shall be vacated and continued to January 23, 2006 at 9:00 a.m., and both matters under the above-referenced case numbers shall be set for that date and time.

IT IS SO ORDERED.

Dated: December 23, 2005



Anthony W. Ishii
United States District Judge